

REMARKS

Examiner Hansen is thanked for the courtesy extended during the Interview on August 29, 2005.

The Interview Summary is believed to accurately reflect what was discussed at the Interview.

Reconsideration of the objection to the Drawings is hereby requested. The Figures have been amended to remove the arrows from the leader lines except when a space or area or collection of elements are being referenced, such as reference identifiers P₁ and P₂ in Figures 3C and 3A, respectively. A Submission of Formal Drawings, as Replacement Sheets, with all the Figures and the amendments made herein is being submitted concurrently with this Response. The amended Figures submitted herein (and the changes thereto) are on a copy of those formal drawing sheets. The “receiving device” in Claim 4 has been changed to read “receiving element” and the support for that is found in the Specification at paragraph 00021 [see the Preliminary Amendment]. Therefore, reconsideration of this objection is respectfully requested.

Reconsideration of the rejection of Claim 12 under 35 U.S.C. §112, first paragraph is hereby requested. The subject matter of Claim 12 came from the disclosure in the original Claim 2 which identified the guiding section as being an elastic guiding section. Therefore, reconsideration of this rejection is respectfully requested.

Reconsideration of the rejection of Claims 1-13 under 35 U.S.C. §112, second paragraph is hereby requested. Claim 1 has been amended to clarify the preamble as suggested by the examiner. Claim 5 has been amended to replace “swivelling” with “pivoting”. Claim 6 has been amended to remove the word “side” before the word “walls”. Claim 8 has been amended to depend from Claim 7. Claim 9 has been amended to replace the word “which” with “the”. Therefore, reconsideration of this rejection is respectfully requested.

The Specification has been amended at paragraphs 0007, 00018, 00023, 00024, and 00029 to correct a deletion error (00018), to reflect the changes to Claim 5 (0007, 00023, 00024) and to correct an error in a numerical designation (00029).

Reconsideration of the rejection of Claims 1-13 under 35 U.S.C. §102(b) as being anticipated by Domenig (U.S. Patent No. 5,636,820) is hereby requested. Claim 1 has been amended and now recites:

A device for fastening a guide rail to a wall, the guide rail having a web-shaped holding element, ~~to a wall,~~ the device comprising:

a fitting having an upper wall and a lower wall that are connected together on a guiding section of the fitting by a rearward and a forward wall, respectively, on a guiding section of the fitting, and the holding element is adapted to be displaceably received in the guiding section; and

the fitting having a side wall spaced away from the guiding section, and the guide rail being adapted to be continuously displaceable between a first end position, in which a portion of the guide rail rests against the guiding section, and a second end position, in which a portion of the guide rail rests against the side wall (additions are underlined and deletions are lined-out).

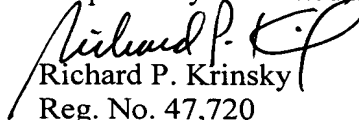
Applicants respectfully assert that Domenig '820 does not disclose "a fitting having an upper wall and a lower wall that are connected together by a rearward and a forward wall, respectively, on a guiding section of the fitting..." as stated in Claim 1. As stated, in part, in the Interview Summary, "the proposed amendments to the claims are deemed to define over the prior art utilized". The proposed amendments are shown above. Therefore, reconsideration of this rejection is respectfully requested.

In view of the above, Claims 1-13 are considered to be in condition for allowance, and such is respectfully requested.

In view of all of the above, the Application is now deemed to be in condition for allowance and such is respectfully requested.

It is respectfully requested that, if necessary to effect a timely response, this paper be considered as a Petition for an Extension of Time sufficient to effect a timely response and that shortages in fees, if any, be charged, or any overpayment in fees credited, to the Account of Barnes & Thornburg LLP, Deposit Account No. 10-0435 (824/40746).

Respectfully submitted,


Richard P. Krinsky

Reg. No. 47,720

Tel. No. (202) 289-1313

BARNES & THORNBURG LLP

Suite 900

750 17th Street, N.W.

Washington, DC 20006-4607

Enclosures: Amendments to the Specifications and Claims and Drawings
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